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# MONTANA LEGISLATIVE HISTORY

Chapter 115 1979

Bill H 371 S _____ Original bill & history ✓ C

| H. Committee on Judiciary | | | S. Committee on Judiciary | | |
|---|---|---|---|---|---|
| Hearing Date(s) | 1/29 | ✓ C | Hearing Date(s) | 3/10 | ✓ C |
| Exec. Action | 2/2 | ✓ C | Exec. Action | 3/11 | ✓ C |
| | | C | | | C |
| | | C | | | C |
| Date Out | | C | | | |

Did this bill originate in an interim committee? ___ Yes ✓ No

Committee _____ Report _____

## LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

# 1999 Montana Legislature

About Bill -- Links

HOUSE BILL NO. 371

INTRODUCED BY J. COBB

AN ACT INCREASING THE DOLLAR AMOUNT OF PROPERTY DAMAGE THAT MUST BE SUSTAINED IN AN ACCIDENT BEFORE A MOTOR VEHICLE OPERATOR IS REQUIRED TO IMMEDIATELY OR IN WRITING REPORT THE ACCIDENT; INCREASING THE DOLLAR AMOUNT OF PROPERTY DAMAGE THAT MUST BE SUSTAINED BEFORE AN INVESTIGATING LAW ENFORCEMENT OFFICER IS REQUIRED TO SUBMIT A WRITTEN REPORT; AMENDING SECTIONS 61-7-108 AND 61-7-109, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-7-108, MCA, is amended to read:

**"61-7-108. Immediate notice of accidents.** The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of ~~$250~~ $500 or more shall immediately by the quickest means of communication give notice of ~~such~~ the accident to the local police department if ~~such~~ the accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the highway patrol."

**Section 2.** Section 61-7-109, MCA, is amended to read:

**"61-7-109. Written reports of accidents -- additional information -- form of report.** (1) The operator of ~~any~~ a motor vehicle ~~which~~ that is in any manner involved in an accident within this state in which ~~any~~ a person is killed or injured or in which damage to the property of ~~any one~~ a person in excess of ~~$400~~ $1,000 is sustained shall, within 10 days after ~~such~~ the accident, report the matter in writing to the department unless the accident was investigated and reported by a law enforcement officer as provided in subsection (3).

(2) The department may require ~~any~~ the driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is

insufficient and may require witnesses of accidents to render reports.

(3) ~~Every~~ A law enforcement officer who in the regular course of duty investigates a motor vehicle accident in which ~~any~~ a person is killed or injured or in which damage to the property of ~~any~~ a person exceeds ~~$400~~ $1,000, either at the time of and at the scene of the accident or ~~thereafter~~ after the accident by interviewing participants or witnesses, shall within 10 days after completing the investigation forward a written report of the accident to the department.

(4) The form of the accident report required under this section ~~shall~~ must contain information sufficient to enable the department to determine whether the requirements for the deposit of security for safety responsibility are inapplicable by reason of the existence of insurance or other exemptions specified in chapter 6 of this title.

(5) A report required by subsection (1) or (2) may not be used as evidence in any trial, civil or criminal, arising out of an accident."

**Section 3. Effective date.** [This act] is effective January 1, 2000.

- END -

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**Latest Version of HB 371** *(HB0371.ENR)*
Processed for the Web on March 31, 1999 (1:57PM)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted. See the status of the bill for the bill's primary sponsor.

Status of this Bill | 1999 Session | Leg. Branch Home
This bill in WP 5.1 | All versions of all bills in WP 5.1

Prepared by Montana Legislative Services
(406)444-3064

# MINUTES

## MONTANA HOUSE OF REPRESENTATIVES
## 56th LEGISLATURE - REGULAR SESSION

## COMMITTEE ON JUDICIARY

**Call to Order:** By **CHAIRMAN ROBERT C. CLARK,** on January 29, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

## ROLL CALL

**Members Present:**

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

**Members Excused:** Rep. Brad Molnar (R)

**Members Absent:** None.

**Staff Present:** John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s): HB 374, HB 371,
Date Posted: 1/27/1999
Executive Action: HB 380 & SB 24 Tabled

## EXECUTIVE ACTION ON HB 382

Motion/Vote: REP. SHOCKLEY moved that HB 382 DO PASS. Motion carried 15-0.

(Rep. P. Clark, Wyatt, Kitzenberg, Gallus and Curtis absent during voting.)

*{Tape : 1; Side : B; Approx. Time Counter : 146 - 230}*

## EXECUTIVE ACTION ON SB 8

Motion: REP. YOUNKIN moved that SB 8 BE CONCURRED IN.
REP. EGGERS moved that SB 8 be POSTPONED; MOTION PASSED.
*{Tape : 1; Side : B; Approx. Time Counter : 230 - 335}*

## HEARING ON HB 371

Sponsor:

Rep. Cobb presented HB 371.
*{Tape : 1; Side : B; Approx. Time Counter : 335 - 381}*

Proponents:

Craig Reap, Montana Highway Patrol
*{Tape : 1; Side : B; Approx. Time Counter : 381 - 417}*
EXHIBIT(juh23a02)

Opponents:
None

Informational Testimony:
None

Questions from Committee Members and Responses:
*{Tape : 1; Side : B; Approx. Time Counter : 417 - 550}*
*{Tape : 2; Side : A; Approx. Time Counter : 0 - 10}*

Closing by Sponsor:

Rep. Cobb made closing statements.
*{Tape : 2; Side : A; Approx. Time Counter : 10 - 20}*

## EXECUTIVE ACTION ON HB 380

Motion: REP. ANDERSON moved that HB 380 DO PASS.
Motion/Vote: REP. EGGERS moved that HB 380 BE TABLED. Motion carried 12-8 with R. Clark and Curtiss,Jore, Kitzenberg, McGee, Molnar, Younkin, and Anderson voting no.
*{Tape : 2; Side : A; Approx. Time Counter : 20 - 290}*

## EXECUTIVE ACTION ON SB 20

Motion: REP. YOUNKIN moved that SB 20 BE CONCURRED IN.
Motion/Vote: REP. NOENNIG moved that SB 20; DELETE LINE 18-19 PG 2 BE AMENDED. Motion carried 14-6.
Motion/Vote: REP. YOUNKIN moved that SB 20 BE CONCURRED IN AS AMENDED. Motion carried 19-1 with Jore voting no.
*{Tape : 2; Side : A; Approx. Time Counter : 290 - 405}*

## EXECUTIVE ACTION ON SB 24

Motion/Vote: REP. YOUNKIN moved that SB 24 BE CONCURRED IN. Motion failed 4-16 with Clark, Kitzenberg, McGee, and Molnar voting aye.
Motion made for reverse vote and TABLE: MOTION PASSED
*{Tape : 2; Side : A; Approx. Time Counter : 405 - 550}*
*{Tape : 2; Side : B; Approx. Time Counter : 0 - 72}*

Rep. Younkin asked the committee if HB 309 (Rep. Molnar) could be reconsidered; MOTION TO RECONSIDER was denied as Rep. Molnar was not present during this action

EXHIBIT(juh23a03)

# MINUTES

## MONTANA HOUSE OF REPRESENTATIVES
## 56th LEGISLATURE - REGULAR SESSION

## COMMITTEE ON JUDICIARY

**Call to Order:** By **CHAIRMAN ROBERT C. CLARK,** on February 2, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

## ROLL CALL

**Members Present:**

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 227, HB 407,1/29/1999

Executive Action: HB 104-Tabled, HB 361-Do Pass as Amended, HB 371-Do Pass as Amended

## HEARING ON HB 227

**Sponsor:**

**Rep. Molnar** presented HB 227.
*{Tape : 1; Side : A; Approx. Time Counter : 33 - 121}*
**EXHIBIT(juh26a01)**

**Proponents:**

**Greg VanHorssen**, Montana Housing Providers
*{Tape : 1; Side : A; Approx. Time Counter : 121 - 171}*
**Carson Strege**, Montana People's Action
*{Tape : 1; Side : A; Approx. Time Counter : 171 - 190}*

**Opponents:**

**Steve Browning**, Associated Credit Bureaus, Inc.
*{Tape : 1; Side : A; Approx. Time Counter : 190 - 251}*
**EXHIBIT(juh26a02)**
**EXHIBIT(juh26a03)**
**Doug Klein**, Collection Bureau Services
*{Tape : 1; Side : A; Approx. Time Counter : 251 - 355}*
**EXHIBIT(juh26a04)**
**Chris Gallus**, Montana Chamber of Commerce
*{Tape : 1; Side : A; Approx. Time Counter : 355 - 390}*
**Brad Griffin**, Montana Retail Association
*{Tape : 1; Side : A; Approx. Time Counter : 390 - 415}*
**Bob Pfeiffer**, Montana Credit Union Leagues
*{Tape : 1; Side : A; Approx. Time Counter : 415 - 550}*
**John Cadby**, Montana Banker's Association
*{Tape : 1; Side : B; Approx. Time Counter : 0 - 41}*
**Steve Turkewicz**, Montana Auto Dealer's Association
*{Tape : 1; Side : B; Approx. Time Counter : 41 - 54}*
**Robert Throssell**, Montana Magistate's Association
*{Tape : 1; Side : B; Approx. Time Counter : 54 - 83}*

## EXECUTIVE ACTION ON HB 371

**Motion**: **REP. ANDERSON** moved that **HB 371 DO PASS.**
**EXHIBIT(juh26a10)**
**Motion/Vote**: **REP. ANDERSON** moved that **HB 371 BE AMENDED. Motion carried 19-1 with Jore voting no.**
**Motion**: **REP. ANDERSON** moved that **RE: SEGREGATION OF AMENDMENTS; EFFECTIVE DATE 1/1/2000 FROM PREV. AMEND. BE AMENDED.**

**Motion carried.** **Motion/Vote**: **REP. YOUNKIN** moved that **HB 371 DO PASS AS AMENDED., AMENDED. Motion carried unanimously.**
*{Tape : 3; Side : B; Approx. Time Counter : 274 - 422}*

**Rep. McGee** made a motion to adjourn, motion passed.

# MINUTES

## MONTANA SENATE
## 56th LEGISLATURE - REGULAR SESSION

## COMMITTEE ON JUDICIARY

**Call to Order:** By **VICE CHAIRMAN AL BISHOP**, on March 10, 1999 at 9:05 A.M., in Room 325 Capitol.

## ROLL CALL

**Members Present:**

Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

**Members Excused:** Sen. Lorents Grosfield, Chairman (R)

**Members Absent:** None.

**Staff Present:** Jodi Pauley, Committee Secretary
Valencia Lane, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 27, 3/5/1999; HB 149, 3/5/1999; HB 197, 3/5/1999; HB 371, 3/5/1999

Executive Action: None

## HEARING ON HB 27

**Sponsor:** **REP. MARK NOENNIG, HD 9, Billings**

**Proponents:** None
**Opponents:** None

*{Tape : 2; Side : A; Approx. Time Counter : 11:00 a.m.}*

## HEARING ON HB 371

**Sponsor**: **REP. JOHN COBB, HD 50, Augusta**

**Proponents**: None

**Opponents**: None

**Opening Statement by Sponsor**:

**REP. JOHN COBB, HD 50, Augusta**, read the title of the bill. He said if a person has to immediately report an accident there has to be at least $500 sustained and if it is $1000 or more then there must be a written report. The last time the old amounts were changed was 1978 and this bill keeps up with inflation. He said the effective date is January 2000 so it starts at the beginning of a fiscal year. He passed out a state statistical sheet. **EXHIBIT(jus54a13)**

**Proponents' Testimony**: None

**Opponents' Testimony**: None

**Questions from Committee Members and Responses**: None

**Closing by Sponsor**:

**REP. COBB** closed on **HB 371**.

## HEARING ON HB 197

**Sponsor**: **REP. JOHN COBB, HD 50, Augusta**

**Proponents**: None

**Opponents**: None

**Opening Statement by Sponsor**:

**REP. JOHN COBB, HD 50, Augusta**, read the title of the bill. He said this idea has come from other states. When rules are made it has to address how it will affect small businesses, etc. He said only the sponsor through the leadership or the committee, hearing the bill, can ask for a regulatory note. He said this is a check and balance so that when they pass the bill they know what the

# MINUTES

## MONTANA SENATE
## 56th LEGISLATURE - REGULAR SESSION

## COMMITTEE ON JUDICIARY

**Call to Order:** By **CHAIRMAN LORENTS GROSFIELD**, on March 11, 1999 at 9:00 A.M., in Room 325 Capitol.

## ROLL CALL

**Members Present:**

Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Judy Keintz, Committee Secretary
Valencia Lane, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 203, HB 204, HB 209, HB 492, 3/8/1999
Executive Action: HB 371, HB 492

## HEARING ON HB 492

**Sponsor:** **REP. HAL HARPER, HD 52, Helena**

**Proponents:** **Herb Goodwin, First Special Services Forces Association**
**Joe Upshaw, Civilian Aide to the Secretary of the Army, Veteran of Montana's 163rd Infantry**

The research is showing that high risk offenders especially have a lower risk of reoffending with supervision.

**SEN. BARTLETT** asked for clarification of some of the requirements in a treatment program in the community for a sex offender. **Ms. Heaton** explained that the structure of the treatment program is the same in the community as it is in the prison. Because they are in the community, a lot of monitoring is needed. They are under very close supervision with their probation and parole officer. They have polygraph examinations on a regular basis. They meet for group therapy once a week. Most programs also place them in family counseling. Many of the programs have a non-offending spouse's group partially to deal with their issues and partially to learn and understand sex offenders so they can be part of the support system that helps monitor the offender. The children are often in counseling. Usually the treatment provider and the probation officer are in frequent contact. Jobs become an issue. A child molester cannot hold a job anywhere near children. Many programs will not let them have access to the Internet due to the pornography that is available.

**SEN. GRIMES** asked if all risk levels were allowed to be in treatment in the community. **Ms. Heaton** affirmed that there were all risk levels in community programs and all three risk levels at Montana State Prison. The prison has a higher percentage of the higher risk offenders.

**SEN. DOHERTY** and **SEN. BISHOP** were excused from the meeting.

## EXECUTIVE ACTION ON HB 492

**SEN. BARTLETT** suggested reducing the penalty to five years.

**CHAIRMAN GROSFIELD** remarked that the penalties for criminal mischief are close to the penalties in this bill.

**SEN. HALLIGAN** suggested that the skateboarders and the veterans could both benefit from sharing the area.

**Motion/Vote: SEN. HALLIGAN** moved that **HB 492 BE CONCURRED IN. Motion carried unanimously - 7-0.**

## EXECUTIVE ACTION ON HB 371

**Motion/Vote: SEN. HALLIGAN** moved that **HB 371 BE CONCURRED IN. Motion carried unanimously - 7-0.**